

HOUSE BILL 401

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2003 Regular Session  
3r0800  
CF 3r0840

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By: **Delegate Barkley**

Introduced and read first time: February 5, 2003

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Deputy Clerk or Sheriff - Oath of Office**

3 FOR the purpose of requiring that every deputy clerk or sheriff in Montgomery  
4 County take and sign the oath or affirmation prescribed by the Maryland  
5 Constitution; and generally relating to oaths of office.

6 BY repealing and reenacting, with amendments,  
7 Article - Courts and Judicial Proceedings  
8 Section 2-104  
9 Annotated Code of Maryland  
10 (2002 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Courts and Judicial Proceedings**

14 2-104.

15 (a) Every auditor, clerk, sheriff, constable, commissioner, surveyor, or other  
16 officer before he assumes the duties of his office, shall take and sign the oath or  
17 affirmation prescribed by the Constitution.

18 (b) [Every] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,  
19 EVERY deputy clerk or sheriff shall take and subscribe the following oath or  
20 affirmation: "I, A.B., do swear (or affirm) that I will not for lucre or malice delay any  
21 person applying to me for any business belonging to the office I officiate in, and that  
22 I will not directly or indirectly ask, take, exact, demand, or receive from or charge to  
23 any such person to my own use any fee or reward whatsoever for any services I may  
24 do as deputy of the said office, and that in making out the office fees I will not  
25 wittingly or willingly charge other or higher fees than are allowed by law."

26 (c) (1) In addition to the oath or affirmation required under subsection (b) of  
27 this section, in St. Mary's County, every deputy sheriff shall take and subscribe the  
28 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear

1 true faith and allegiance to the United States of America and to the State of  
2 Maryland; that I will serve honestly and faithfully to uphold and defend the  
3 Constitution of the United States and the Constitution of Maryland; that I will  
4 enforce the laws of St. Mary's County, and the State of Maryland; and that I will obey  
5 the orders of the Sheriff and of my superior officers according to the rules and  
6 regulations of the Sheriff's office, St. Mary's County and the State of Maryland."

7           (2)       In addition to the oath or affirmation required under subsection (b) of  
8 this section, in Charles County, every deputy sheriff shall take and subscribe the  
9 following oath or affirmation: "I, A.B., do solemnly swear (or affirm) that I will bear  
10 true faith and allegiance to the United States of America and to the State of  
11 Maryland; that I will serve honestly and faithfully to uphold and defend the  
12 Constitution of the United States and the Constitution of Maryland; that I will  
13 enforce the laws of Charles County, and the State of Maryland; and that I will obey  
14 the orders of the Sheriff and of my superior officers according to the rules and  
15 regulations of the Sheriff's office, Charles County and the State of Maryland."

16       (D)       IN MONTGOMERY COUNTY, EVERY DEPUTY CLERK OR SHERIFF SHALL  
17 TAKE AND SIGN THE OATH OR AFFIRMATION PRESCRIBED BY ARTICLE I, § 9 OF THE  
18 MARYLAND CONSTITUTION.

19       [(d)]     (E)     (1)       Except as authorized by Article I, § 10 of the Constitution, every  
20 officer, except the clerk of the circuit court of a county or an appellate court, shall take  
21 the oath before the clerk of the circuit court.

22           (2)       Except as provided in Article I, § 10 of the Constitution, the clerk of a  
23 circuit court shall take the oath before a judge of the court.

24           (3)       The clerk of an appellate court shall take the oath before the  
25 Governor.

26       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2003.